



Senate

General Assembly

File No. 263

February Session, 2010

Substitute Senate Bill No. 410

Senate, April 1, 2010

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PERSONS WHO TRANSPORT PATIENTS OR CLIENTS UNDER THE CARE, CONTROL OR CUSTODY OF A STATE AGENCY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2010*) (a) As used in this
2 section, "transport vehicle" means a vehicle used to transport patients
3 or clients under the care, custody or control of a state agency.

4 (b) Any person employed by a state agency to operate a transport
5 vehicle shall have a motor vehicle operator's license that is in full force
6 and effect for the type of vehicle operated by such person. No such
7 person shall have been convicted of any moving violations or
8 suspension violations, as defined in section 14-111g of the general
9 statutes, during the one-year period prior to any operation of such
10 transport vehicle. The state agency by which such person is employed
11 shall review the driving record of such person every year to ensure
12 compliance with the requirements of this subsection.

13 (c) Any person employed by a state agency to transport patients or
 14 clients under the care, custody or control of a state agency shall be
 15 trained in the procedures for the proper fastening and unfastening of
 16 seat safety belts for persons with disabilities, including persons who
 17 are in wheelchairs, and persons who are unable to properly fasten or
 18 unfasten a seat safety belt without assistance. Such procedures shall be
 19 in writing and shall be provided to any person who operates a
 20 transport vehicle. Before any such person is authorized to transport
 21 persons with disabilities, such person shall demonstrate the ability to
 22 perform such procedures.

23 Sec. 2. (*Effective October 1, 2010*) The Departments of Developmental
 24 Services, Transportation and Motor Vehicles shall conduct a pilot
 25 program of interagency cost sharing for state employee license checks
 26 in which the Department of Motor Vehicles shall provide the
 27 Departments of Developmental Services and Transportation with the
 28 motor vehicle records of fifty persons employed by said departments.
 29 The departments shall report the results of such program to the joint
 30 standing committee of the General Assembly having cognizance of
 31 matters relating to motor vehicles, not later than June 30, 2011.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	New section
Sec. 2	<i>October 1, 2010</i>	New section

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Various State Agencies	GF - Cost	Significant	Significant
Department of Transportation	TF - Cost	1,000	-

Note: GF=General Fund; TF=Transportation Fund

Municipal Impact: None

Explanation

The bill concerns state agencies and their employees who transport patients or clients under the care, control and custody of a state agency.

The bill will result in a fiscal impact to the state for costs associated with: 1) annual driver record checks for all employees who transport clients; 2) increased personnel costs that would result due to an individual's potential inability to transport a client because of a driving infraction; and 3) the training of agency employees in procedures for the proper use of seat belts for individuals with disabilities. It is anticipated that, at a minimum, the following state agencies would be impacted: Departments of Developmental Services (DDS), Mental Health and Addiction Services (DMHAS), Children and Families (DCF), Correction (DOC), Motor Vehicles (DMV), Veterans' Affairs; and the Judicial Department.

There are approximately 11,500 state employees who transport clients/patients reflected in the table below.

State Employees Transporting Clients

Agency Name	Estimated Number of Employees Transporting Clients ¹
Department of Developmental Services (DDS)	2,500
Department of Mental Health and Addiction Services (DMHAS)	3,000
Department of Correction	4,000
Department of Veterans' Affairs	10
Judicial Department	430
Department of Children and Families	1,560
Total	11,500

Below is a further explanation of the various fiscal impacts anticipated from the bill.

Personnel Costs due to Moving Violations

It is anticipated that state agencies will incur personnel costs, due to the bill's provision restricting an individual from transporting a client if they have a moving violation or infraction. Agencies would incur additional personnel costs for accommodating a staff member's inability to transport clients. The lack of flexibility in shift assignment, workload and location of programs will result in significant increased costs (including overtime and hiring additional staff).

Driving Record Check

It is anticipated that agencies would apply to DMV for online access to the Driving Record Data System. Pursuant to CGS 14-150a(a)(9) there is a \$20 fee for each DMV driver history query. However, agencies with a significant volume of queries may be able to reduce this expense through a Memorandum of Understanding (MOU) with DMV. Each agency would incur administrative costs (e.g. personnel) to process and review the required record checks. Each agency's cost would depend on the volume of drivers and their current administrative capacity. Some agencies may incur one-time costs to establish a process by which the information can be transmitted.

¹ Estimates based on FY 09 data.

DDS and DMV (through an MOU) have established a procedure requiring annual license and record review of all employees occupying positions which provide direct services to DDS clients. Since it is current practice there is no fiscal impact to DDS related to this provision. DMHAS also currently has the capability to perform driving record checks for new hires.

All other agencies impacted that currently do not have access to driving record information would incur costs associated with performing and reviewing the record checks. The annual cost for an additional administrative staff to perform these duties may range from \$35,000 - \$57,000 (additional fringe benefit costs would correspondingly range from \$20,300 - \$33,000).

Training Costs

The bill requires the training of agency employees in procedures for the proper use of seat belts for individuals with disabilities, including the provision of written material. It is assumed that the training would be one-time for current staff and every new hire. To the extent that an agency's current training model would meet the bill's requirements, this would reduce the overall impact to the state.

Pilot Program

The bill requires DMV to provide DDS and Department of Transportation (DOT) with motor vehicle records of 50 employees. Since DDS and DMV have a Memorandum of Understanding regarding the provision of driving records there is no fiscal impact associated with this provision. There is a one-time cost of \$1,000 to DOT (TF) for driver history checks for 50 of their employees. The bill does not specify the way that such a cost would be shared between agencies.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 410*****AN ACT CONCERNING PERSONS WHO TRANSPORT PATIENTS OR CLIENTS UNDER THE CARE, CONTROL OR CUSTODY OF A STATE AGENCY.*****SUMMARY:**

This bill requires state agency employees who transport patients or clients under the agency's care, custody, or control to be trained in the proper method of safely transporting them. It bars a state employee convicted of certain motor vehicle violations from transporting patients or clients for at least one year. It establishes a cost-sharing pilot program for state employee license checks in which the Department of Motor Vehicles (DMV) must provide the departments of Developmental Services (DDS) and Transportation (DOT) with the motor vehicle records of 50 of their employees, and requires the departments to report the results of the program to the Transportation Committee by June 30, 2011.

EFFECTIVE DATE: October 1, 2010

TRAINING IN SAFE TRANSPORTATION PROCEDURES

The bill requires the training of agency employees in procedures for the proper fastening and unfastening of seat belts for individuals with disabilities, including those (1) in wheelchairs and (2) who need help to fasten or unfasten seat belts.

The procedures must be in writing and given to anyone who drives a "transport vehicle." Any agency employee carrying people with disabilities in such a vehicle must demonstrate his or her ability to perform these procedures. Under the bill, a "transport vehicle" is a vehicle used to transport patients or clients under a state agency's care,

custody, or control. This apparently applies to a state agency employee transporting agency patients or clients in his or her personal vehicle.

REQUIREMENTS AND PROHIBITIONS

The bill requires anyone transporting agency patients or clients to hold the appropriate, valid driver's license for the type of vehicle he or she is driving. It prohibits anyone from operating a transport vehicle if he or she has been convicted of a moving or suspension violation in the year before he or she operates the transfer vehicle in any manner, apparently regardless of whether the vehicle is carrying passengers. It requires the state agency employing the individual to review the employee's driving record annually to ensure compliance. It is not clear if state agencies must begin reviewing the previous year's driving records of these employees as of October 1, 2010.

PILOT PROGRAM

The bill requires DMV, DDS, and DOT to conduct a pilot employee license check cost-sharing program in which DMV must provide DDS and DOT with motor vehicle records of 50 people these agencies employ. The bill does not specify that these must be employees who transport agency patients or clients. The three departments must report the results of the pilot program to the Transportation Committee by June 30, 2011.

BACKGROUND

Moving Violations

Moving violations include speeding, reckless driving, improper passing, failure to grant the right of way, improper turning, improper signaling, and following too closely (CGS § 14-111g).

Suspension Violations

Suspension violations are negligent homicide with a motor vehicle, evasion of responsibility, driving under the influence, 2nd degree manslaughter with a motor vehicle, misconduct with a motor vehicle, and 2nd degree assault with a motor vehicle (CGS § 14-111g).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/16/2010)